

IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. WJC No.456 of 2008
RAJESH KUMAR
Versus
THE STATE OF BIHAR & ANR

2 7.7.2008 Heard learned counsel for the petitioner and the learned
counsel for the State.

The learned counsel on behalf of the petitioner submitted that the petitioner is owner of the vehicle Tata Ace bearing registration No. BR-38B/4091. He has no concern with the seized Kerosene Oil. Learned counsel further submitted that at the time of seizure the vehicle was in the custody of the driver. The driver negotiates with the customers for transportation of goods. Learned counsel further submitted the driver never stated that the name of the petitioner as owner of the Kerosene Oil before the informant rather he had stated that the petitioner is owner of the vehicle. Learned counsel submitted that necessary direction may be issued for the release of the vehicle seized in the present case.

The prosecution story in short is that, the informant Raisuddin, who is Up-Mukhiya of village Gram Panchayat had gone to Rampur Mohanpur, where he found four drums of Kerosene Oil kept in the vehicle of the petitioner. Informant alleged that the Kerosene Oil was being carried for black-marketing. On the basis of aforesaid information the Police Registered Araria P.S. Case No. 130 of 2008 and seized the vehicle in question.

According to the learned counsel the vehicle seized in the

case is a commercial vehicle and no useful purpose would be served by keeping the vehicle detained for an indefinite period. Learned counsel submitted that necessary direction may be issued for the release of the vehicle.

Considering the facts and circumstances of the case, the learned Sub Divisional Judicial Magistrate, Araria is directed to release the vehicle named Tata Ace bearing registration No. - 38B/4091 seized in connection with Araria P.S. Case No. 130 of 2008 (Special Case No. 5 of 2008) in favour of petitioner Rajesh Kumar, on furnishing sufficient sureties to the satisfaction of the court concerned. The petitioner shall produce the registration certificate of the vehicle and other relevant papers at the time of release. The learned Magistrate after being satisfied that the petitioner is the owner shall release the same. It may be mentioned here that the release will be subject to the final order passed in the case. This writ application is accordingly disposed of.

Let a copy of this order be communicated to the Court below through Fax at the cost of the petitioner.

P.K.

(Madhavendra Saran,J.)

